

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



in the Patent Application of:

Daniel R. POTTER ET AL.

U.S. Pat. App. No.: 10/099,685

Filed: March 14, 2002

Examiner: Andrew J. Rudy

Group Art Unit: 3627

Atty. Docket No.: 005127.00033

For:

CUSTOM FIT SALE OF FOOTWEAR

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT TO INCLUDE U.S. PATENT REFERENCES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

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GROUP 3600

On October 29, 2003, Applicants timely filed an Information Disclosure Statement, including Form PTO 1449, and a Statement Under 37 C.F.R. §1.704(d), in order to submit references found in a related PCT International Search Report. In that Information Disclosure Statement, Applicants erroneously omitted the U.S. patent references, and respectfully submit them herewith. A complete copy of Applicants' Information Disclosure Statement submission of October 29, 2003 is enclosed.

Applicants believe that no fees are required for the submission of the U.S. references, but if the Commissioner deems that any fees are necessary, then the Commissioner is authorized to charge said fees to Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

December 5, 2003

Thomas L. Evans, Reg. No. 35,805

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PATENT

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In re Patent Application of:

Daniel R. POTTER ET AL.

U.S. Pat. App. No.: 10/099,685

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Examiner: Andrew J. Rudy

Group Art Unit: 3627

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Pursuant to their duty of disclosure under 37 C.F.R. §1.56, Applicants bring the following documents to the attention of the Examiner in the above-identified patent application:

- (1) U.S. Patent No. 6,601,042 to Lyden, issued July 29, 2003;
- (2) U.S. Patent No. 6,463,351 to Clynch, issued October 8, 2003; and
- (3) Excerpt from Digitoe, Inc.'s Website entitled "Custom Fit Footwear (a short story)," dated 1998, four pages.

A PTO-1449 form is included herewith listing these documents. Copies of references (1) and (2) are not included herewith, but Applicants enclose a copy of reference (3). These documents were cited in an International Search Report for a related PCT application, a copy of which is attached.



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The International Search Report is in English. Therefore, Applicants respectfully urge that further comment is unnecessary in accordance with 37 C.F.R. 1.98(a)(3). However, Applicants respectfully point out that the International Search Report classifies these documents in categories E, P and Y.

Applicants believe that no fees are required for the Examiner's consideration of the documents listed in this Information Disclosure Statement. If, however, the Commissioner deems that any fees are necessary for the filing of this Information Disclosure Statement, then the Commissioner is authorized to charge said fees to Deposit Account No. 19-0733.

It is respectfully requested that the documents listed above be considered by the Examiner in the above-identified patent application and that they be made officially of record therein. It is further requested that a listing of the same appear on the face of any patent that may issue from this application.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Thomas I. France D.

Thomas L. Evans, Reg. No. 35,805

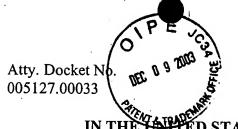
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October 28, 2003





PATENT

IN THE CAPTED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Daniel R. POTTER ET AL.

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STATEMENT UNDER 37 C.F.R. §1.704(d)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.704(d), Applicants hereby state that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

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October 28, 2003

TDANCASTTAL		Application Number	10/099,685	
TRANSMITTAL FORM (to be used for all correspondence after initial filing)			Filing Date	March 14, 2002
			First Named Inventor	Daniel R. Potter et al.
			Group Art Unit	3627
			Examiner Name	Andrew J. Rudy
Total Number of Pages in This Submission			Attorney Docket Number	005127.00033
		ENCLO	DSURES (check all that apply)	
Fee Transmittal			ment Papers Application)	After Allowance Communication to Group
Fee Attached		Drawing(s)		Appeal Communication to Board of Appeals and Interferences
Amendment / Response		Licensing-related Papers		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final		Petition Routing Slip (PTO/SB/69) and Accompanying Petition		Proprietary Information
Affidavits/declaration(s)		Petition to Convert to a Provisional Application		Status Letter
Extension of Time Request		Power of Attorney, Revocation Change of Correspondence Address		Other Enclosure(s) (please identify below):
Express Abandonment Request			al Disclaimer	Copy of International Search Report;
☐ Re Information Disclosure Statement		Reques	t for Refund	2) Statement Under 37 CFR 1.704(d);
Zy mornation disclosure statement		CD, Number of CD(s)		3) Copy of Digitoe
Certified Copy of Priority Document(s)		Remark	ks	reference; 4) Return Postcard
Response to Missing Parts/				GROUNT OFFICE
Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53		The Comm any fees	nissioner is hereby authorized under 37 CFR §1.16 or 37 CFF	to charge any necessary fees, including R §1.17, to Deposit Account No. 19-0733.
	SIGNA	TURE OF A	PPLICANT, ATTORNEY, O	PAGENT
Firm or Individual name	Thomas L. Evans,			
Signature	Shoma	1 / 7	Evans	
Date	October 28, 2003			
	CER	TIFICATE (OF MAILING OR TRANSMIS	SSION
hereby certify that this commissioner for Patent	correspondence is being	denosited with	the United States Boatel Service as	first class mail in an envelope addressed to: the U.S. Patent and Trademark Office on:
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Signature				Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.